

SUPERINTENDENT OF PUBLIC INSTRUCTION

CHAPTER 7

PUPIL TRANSPORTATION

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Sub-Chapter 1

Pupil Transportation

10.7.101 INTRODUCTION (1) The following rules are adopted to implement 20-10-112, MCA, which requires the superintendent of public instruction to prescribe such rules as may be necessary to have a uniform and equal provision of transportation by all districts in the state of Montana.

(2) The following list briefly states in chronological order the administrative steps for school transportation. This list is not a substitute for the more detailed requirements stated in these rules:

(a) By the fourth Monday in June a district must complete and sign transportation contracts (four copies) for the ensuing year.

(b) By July 1 a district must send to the county superintendent copies of all completed school bus contracts and copies of all completed individual transportation contracts.

(c) By the fourth Monday in June a county transportation committee (CTC) must act to approve or not approve all bus routes established by districts. The CTC must also act on all applications for increased individual payments due to isolation. Approval of board of trustees for increased payments is required prior to CTC action.

(d) By July 10 the county superintendent must send one copy of all individual transportation contracts to the superintendent of public instruction.

(e) At least 30 days prior to the beginning of the first semester the Montana highway patrol must inspect all school buses used to transport students. If necessary, the buses must be reinspected before the beginning of the semester.

(f) By the second Monday in September the county superintendent must send the final budgets for the ensuing year to the superintendent of public instruction.

(g) By October 1 a district must send the county superintendent two copies of the TR-1 for each bus route.

(h) By October 15 the county superintendent must send the state superintendent of public instruction the TR-1 for each bus route.

(i) By mid-October OPI must notify county superintendents and district clerks of the approved rates for individual and isolated contracts.

(j) Upon receipt of the approved rates required in (i) a district must provide a copy of the contract to each parent, guardian or emancipated minor with whom the district holds a contract.

(k) Sixty days after the beginning of the school year, or 60 days after employment, the first-aid competency requirement for new bus drivers must be completed.

(l) By mid January OPI will mail the TR-5, School District Claim for Individual Transportation, and TR-6, Claim for Reimbursement for School Bus Transportation, to districts.

(m) By January 31 buses must have passed the inspection for the second semester.

(n) By February 1 a district must send the county superintendent two copies of transportation claims TR-5 and TR-6.

(o) By February 15 the county superintendent must send the superintendent of public instruction one copy of each district's completed TR-5 and TR-6 claims for first semester transportation reimbursement.

(p) Upon receipt of claims, the state superintendent verifies the claims and disburses the approved amount of state reimbursement for first semester transportation.

(q) Upon receipt of state payment notice the county superintendent orders the disbursement of county reimbursement for first semester transportation on the basis of state reimbursement.

(r) By April 30 OPI will mail the TR-5, School District Claim for Individual Transportation, and TR-6, Claim for Reimbursement for School Bus Transportation, to districts.

(s) By May 10 a district must send the county superintendent two copies of completed transportation claims TR-5 and TR-6.

(t) By May 24 the county superintendent must send the superintendent of public instruction one copy of each district's completed TR-5 and TR-6 claims for second semester transportation reimbursement.

(u) Upon receipt of claims the state superintendent verifies the claims and disburses the approved amount of state reimbursement for second semester transportation.

(v) Upon receipt of state payment notice the county superintendent orders the disbursement of county reimbursement for second semester transportation on the basis of state reimbursement.

(w) Whenever necessary, new transportation contracts received by the school district after final budget adoption are completed by the board of trustees. The original contract is transmitted to the county superintendent. The county superintendent forwards the original to the superintendent of public instruction.

(x) Whenever required, the board of trustees issues Montana school bus driver certification to bus drivers and transmits the required copies to the county superintendent and the superintendent of public instruction.

(y) Whenever required, but no later than June 30, budget amendment proceedings must be completed to provide budget authority for additional pupil transportation obligations arising after final budget adoption and for which the contingency item is inadequate. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-9-134, 20-9-166, 20-10-101, 20-10-124, 20-10-147, 20-10-201, 20-10-202, 20-10-203, 20-10-204, 20-10-205, 20-10-206, 20-10-207, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98; AMD, 2000 MAR p. 632, Eff. 2/25/00; AMD, 2004 MAR p. 1613, Eff. 7/23/04.)

10.7.102 CRITERIA FOR ESTABLISHING TRANSPORTATION AREAS (IS HEREBY TRANSFERRED) (History: Sec. 20-3-106, MCA; IMP, Sec. 20-10-112, MCA; Eff. 2/26/53; ARM Pub. 11/26/77; TRANS, to Board of Public Education, 1981 MAR p. 422, Eff. 5/1/81.)

10.7.103 TRANSPORTATION REIMBURSEMENT ELIGIBILITY CRITERIA (IS HEREBY REPEALED) (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-121, 20-10-145, 20-10-146, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; REP, 1997 MAR p. 203, Eff. 1/28/97.)

10.7.104 CLAIM PROCEDURE (1) First semester:

(a) By February 1, the board of trustees provides the county superintendent with two complete copies of the first semester transportation claim, using forms provided by the superintendent of public instruction. The district claims must be signed by the chairman of the board of trustees.

(b) By February 15, the county superintendent reviews each district's claim for completeness and accuracy, and submits to the superintendent of public instruction a copy of each district's first semester transportation claim. Valid claims received by the superintendent of public instruction after February 15 will be paid with the second semester transportation reimbursement.

(2) Second semester:

(a) By May 10, the board of trustees provides the county superintendent with two complete copies of the second semester transportation claim, using forms provided by the superintendent of public instruction. The district claims must be signed by the chairman of the board of trustees.

(b) By May 24, the county superintendent reviews each district's claim for completeness and accuracy, and submits to the superintendent of public instruction a copy of each district's second semester transportation claim. Valid claims received by the superintendent of public instruction after May 24 and by June 30 will be paid by September 30 of the following school year. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-145, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97.)

10.7.105 PUPIL TRANSPORTATION CONTRACTS (1) School districts are required to have transportation contracts for the ensuing year signed by the fourth Monday in June.

(2) Four copies of the contract form are needed: one for the individual or contractor providing the service, one for the district clerk, one for the county superintendent and one for the superintendent of public instruction.

(3) The board of trustees is prohibited from issuing warrants on the transportation budget in the absence of a contract.

(4) State reimbursement is paid only on claims supported by valid contracts. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-121, 20-10-124, 20-10-143, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97.)

10.7.106 CONTENTS AND LIMITATIONS OF PUPIL TRANSPORTATION CONTRACTS (1) Section 20-10-124, MCA, provides for contracts between a school district and a parent, legal guardian or an emancipated minor to fulfill the district's obligation to furnish transportation for an eligible transportee.

(2) A school district may enter into a contract for the provision of individual transportation only if the student being transported is an eligible transportee of the district.

(a) An eligible transportee, as defined in 20-10-101, MCA, is deemed by law "to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school."

(i) An emancipated minor may also be considered an eligible transportee if the other criteria of 20-10-101(2), MCA, are met.

(ii) Prekindergarten pupils with disabilities are considered eligible transportees regardless of distance between home and school or bus stop.

(b) When a student attends school outside his or her district of residence under an out-of-district attendance agreement approved by the district of residence, either the district of attendance or the district of residence, but not both, may consider the student an eligible transportee for purposes of contracting to provide transportation reimbursement or to provide bus services. Transportation arrangements must conform to ARM 10.7.106A.

(c) Unless a student is attending school under the mandatory provisions of 20-5-321(1)(d) or (e), MCA, or under an individual education plan (IEP), the distance from the home to the nearest operating school or bus stop will be used to calculate the reimbursement under a pupil transportation contract.

(i) The nearest operating school for purposes of (c) is the nearest elementary or high school that the student could reasonably attend, offering educational services appropriate for the grade level of the student. Whether the school is in the district of attendance or the district of residence is irrelevant to the calculation.

(ii) The nearest bus stop for purposes of (c) is the nearest bus stop where the student could board a bus to the elementary or high school offering educational services appropriate for the grade level of the student that the student could reasonably attend, regardless of whether the bus stop is provided by the district of attendance or the district of residence.

(d) If the student attends under the mandatory provisions of 20-5-321(1)(d) or (e), MCA, or is placed in another district under an IEP, the distance from the home to the nearest appropriate school or bus stop will be used to calculate the amount of reimbursement under an individual contract for transportation.

(e) The state may honor valid individual contracts which are approved by the district after the budget has been adopted as per ARM 10.7.107.

(f) In no case may the district honor a contract submitted after the last pupil instruction day of the school year at the school of attendance.

(3) If an approved out-of-district attendance agreement that includes terms for providing transportation does not exist between the district of residence and the district of attendance, the parent or guardian shall provide transportation at his own expense.

(4) When making an individual transportation contract with the district, the parent, legal guardian or emancipated minor must sign an affidavit attesting to the place of residence of the student. No person other than the student's parent, legal guardian or an emancipated minor may enter into an individual contract for transportation or receive the transportation reimbursement. Transportation must be provided by a licensed driver in an insured vehicle.

(5) The form for contracts between a school district and a parent, legal guardian or emancipated minor is designated form TR-4. The same contract form is used for both elementary and high school pupils and provides for contracts at the individual rate or for the increased individual rate provided by 20-10-142(3), MCA.

(6) The maximum daily reimbursement rate a parent, legal guardian or emancipated minor may receive for a mileage contract is the daily rate he or she would receive under a room and board contract, unless the contract has been approved for isolation.

(7) To be eligible to receive reimbursement for a mileage contract, transportation for the mileage reported on the contract must actually occur. The district may not claim state or county reimbursement or pay a parent, legal guardian or emancipated minor for transportation on days the student does not attend school.

(8) Contracts for students with transportation listed as a related service on their individualized education plans will receive the following state/county reimbursement:

(a) Students who live three miles or less from the school or bus stop will be eligible for the minimum state/county reimbursement rate of 25 cents per day;

(b) Contracts for students who live over three miles from the school or bus stop will receive a state/county reimbursement rate calculated with the same formula used for all other students.

(9) If the distance from the student's home to the nearest bus stop or school decreases during the term of the individual contract, the district must amend the contract to reflect the lower mileage and must notify the superintendent of public instruction and the county superintendent of the date the lowered mileage became effective. The superintendent of public instruction will recalculate the daily reimbursement rate and will assign a new contract number to the amended contract. The school district must claim the number of days that transportation occurs at each distance on the TR-5 school district claim for individual transportation reimbursement.

(10) The contract must be completed in its entirety, signed by the parent, legal guardian or emancipated minor and signed by the chairman of the board of trustees on or before the fourth Monday in June preceding the school year for which the transportation is being provided. The signed contract is the authorization of the board of trustees to budget for that transportation expenditure necessary to meet the obligation imposed on the district by the contract. Each party to the contract and the county superintendent must receive a copy of the contract.

(11) If the contracting party applies for increased individual transportation payments due to isolation, the contract must be completed and signed in advance of the meeting of the county transportation committee at which such applications are approved or disapproved. (The date of this meeting in any county can be obtained from the county superintendent.) Approval of any increased rates by the county transportation committee precedes budget adoption.

(12) The district clerk transmits each transportation contract to the county superintendent by July 1, or as received and accepted by the board of trustees.

(13) By July 10, or as received from the district, the county superintendent transmits the original copy of each transportation contract to the superintendent of public instruction. All individual contracts made between the same parent or legal guardian and different school districts (in the same county or in different counties) are gathered by the superintendent of public instruction and allocation of district responsibility for payment is made in compliance with the law and the board of public education policy. (20-10-111 and 20-10-112, MCA.)

(14) By mid-October, the superintendent of public instruction provides approved contract rates to the county superintendent and to each district clerk of a district providing individual contracts for transportation.

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(15) The district clerk, in writing warrants for transportation payments to the parent, legal guardian or the emancipated minor, is guided by the approved rates; the school district may only make payments to the parent, legal guardian or emancipated minor in accordance with the rate established in (14) for approved contracts. (20-10-124, MCA.) (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-5-321, 20-9-166, 20-10-101, 20-10-111, 20-10-112, 20-10-121, 20-10-124, 20-10-142, MCA; Eff. 2/6/53; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98; AMD, 2000 MAR p. 632, Eff. 2/25/00.)

10.7.106A TRANSPORTATION COSTS ALLOCATED BY OUT-OF-DISTRICT ATTENDANCE AGREEMENTS (1) If trustees of a student's districts of residence and attendance sign an out-of-district attendance agreement that includes transportation, either district may provide bus transportation or a pupil transportation contract under the conditions of ARM 10.7.105. The student may be the eligible transportee of the district providing transportation. A waiver of tuition does not affect the eligibility of the student for transportation.

(2) On-schedule costs of transporting the eligible transportee may be claimed for transportation aid in accordance with 20-10-141 and 20-10-142, MCA. On-schedule costs may not be charged to any person or entity who is a party to the out-of-district attendance agreement.

(3) Pursuant to 20-5-323, MCA, a school district transporting a student under an out-of-district attendance agreement may charge for over-schedule costs of transportation if stated in the attendance agreement. Over-schedule costs of transporting an out-of-district student, as limited by 20-5-323(5), MCA, may be charged to the entity that could be held responsible for paying tuition under an attendance agreement required by 20-3-320 or 20-5-321, MCA. For discretionary attendance agreements allowed by 20-5-320, MCA, the district of residence may refuse to accept responsibility for the over-schedule costs of transportation at the time the attendance agreement is signed by indicating so on the agreement form.

(4) In accordance with 20-5-323, MCA, the over-schedule costs charged under an attendance agreement for the school year 199X may not exceed the lesser of:

(a) the transportation fund expenditures reported by the district of residence on the Trustees' Financial Summary for 20XX-2, divided by the total October 1 enrollment for the school year 20XX-2; or

(b) the number of miles added to a bus route or routes to accommodate students attending under attendance agreements, divided by the number of students riding the buses under the attendance agreement(s), times \$0.25, times the number of days the route or routes are conducted for the year of attendance.

(5) A party being charged over-schedule costs of transportation on an attendance agreement may request and receive written documentation from the district of residence showing the calculation in (4) before signing the attendance agreement, agreeing to pay over-schedule costs of transportation.

(6) The district or other party being charged for over-schedule costs is responsible for verifying that the charges do not exceed the calculation in (4) before approving the attendance agreement, thereby accepting responsibility for charges.

(7) Transportation charges must be prorated based on the number of days the student was enrolled compared to 180 days.

(8) The district providing transportation must bill the party responsible for paying transportation obligations of an attendance agreement.

(9) In accordance with 20-5-324, MCA and ARM 10.10.301B, the school district trustees or county superintendent may pay costs of transportation listed on an attendance agreement along with tuition due on that contract in the year of the student's attendance or, if the obligation occurs after the district's budget is adopted, in the ensuing year. Parents or guardians may be charged in the year of attendance. (History: Sec. 20-10-112, MCA; IMP, Sec. 20-5-320, 20-5-321, 20-5-323, 20-10-141, 20-10-142, MCA; NEW, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2002 MAR p. 1662, Eff. 6/14/02.)

10.7.107 CONTINGENCY TRANSPORTATION AND BUDGET AMENDMENTS FOR TRANSPORTATION (1) Whenever, during the course of a school year, the district becomes obligated to provide transportation for a student, the board of trustees immediately must:

(a) provide bus service for the eligible transportee; or

(b) enter into a contract with the parent, legal guardian or emancipated minor, and transmit a copy of the contract to the county superintendent, who transmits one copy immediately to the superintendent of public instruction.

(2) The cost of such additional transportation is met by the contingency item in the transportation budget or non-operating budget. Valid claims against the amount budgeted as contingency are reimbursable by the state and county as on-schedule costs.

(3) If there is no contingency item (or the appropriation therein is already obligated for other pupils in the district), the district shall institute budget amendment proceedings to acquire the budget authorization necessary to provide transportation for such students.

(4) The on-schedule costs associated with the contingency transportation, in excess of the contingency amount, are reimbursable by the state and county only upon adoption of a budget amendment increase as provided by 20-9-161 through 20-9-168, MCA, and, either county transportation committee approval of new or altered bus routes or district approval of new individual transportation contracts, and state approval of such transportation.

(a) The state shall pay its share of these on-schedule costs as provided in 20-10-145, MCA.

(b) The county shall pay its share of these on-schedule costs as provided in 20-10-146, MCA.

(i) The county shall include in the levy requirement for the ensuing year, any unpaid amount of the county's obligation for contingency transportation.

(5) The over-schedule costs of the contingency transportation shall be paid by the district and funded by:

(a) The district's transportation reserves;

(b) Budget transfers from other line items in the transportation fund as provided in 20-9-208, MCA, if available; and

(c) Any levy assessed against the taxpayers of the district for purposes of funding the budget amendment.

(History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-9-166, 20-10-124, 20-10-143, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2000 MAR p. 632, Eff. 2/25/00.)

10.7.108 BUS CONTRACTS (1) Contracts between districts and bus contractors must be signed prior to the adoption of the budget by the trustees. Such contracts may run for a period of more than one year but not exceeding five years. Whenever a new contract is completed, one copy is retained by the bus contractor, one copy is retained by the district clerk and one copy is transmitted to the county superintendent. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-124, 20-10-143, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98.)

10.7.109 BUS TRANSPORTATION REIMBURSEMENT-SCHOOL DISTRICT APPLICATION TR-1 FOR REGISTRATION OF SCHOOL BUSES AND STATE REIMBURSEMENT

(1) The form used for this application, designated form TR-1, must be completed by the board of trustees for each approved bus route in the district.

(a) The trustees shall send two copies of a TR-1 for each route to the county superintendent by October 1. No later than October 15, the county superintendent must send one copy of a TR-1 for each route to the state superintendent of public instruction for approval.

(2) State approval of the TR-1 is a prerequisite to reimbursement. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-112, 20-10-128, MCA; Eff. 2/26/53; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2004 MAR p. 1613, Eff. 7/23/04.)

10.7.110 STANDARDS FOR SCHOOL BUSES (1) Section 20-10-141, MCA, establishes a schedule of bus transportation expenditures reimbursable from state funds. Reimbursable bus transportation shall be made on vehicles that are in compliance with 20-10-101, MCA, and that meet the definition of school bus under state and federal law. Motor vehicles designed to carry 10 or fewer persons do not meet the definition of a school bus and are not eligible for route reimbursement. To be eligible for reimbursement, motor vehicles that carry more than 10 persons must meet the school bus standards set by the board of public education for school buses in Montana and must pass semiannual inspection by the highway patrol.

(2) State and county reimbursement for bus transportation will only be paid for routes operated with buses (either district-owned or contractor-owned) that pass the Montana highway patrol's inspection. The Montana highway patrol's inspection will determine if the school bus meets the Minimum Standards for School Buses in Montana as adopted by the board of public education.

(3) Section 61-9-502, MCA, requires that the Montana highway patrol perform semiannual inspections of school buses. The first semiannual inspection must be passed prior to the beginning of the first semester. The second semiannual inspection must be passed no later than January 31.

(4) Only school buses that pass inspection may be used to transport students and only school buses that pass inspection will receive state and county transportation reimbursement. A school bus that fails to pass inspection will not be eligible for state and county reimbursement until the bus is reinspected and approved by the inspecting officer. The school district is responsible for contacting the Montana highway patrol for bus inspections. Nothing in this rule precludes the Montana highway patrol from inspecting school buses at other times as the highway patrol sees fit.

(5) Buses that are placed in operation after the school semester has begun must be inspected and approved by the Montana highway patrol before the vehicle is operated on the established route. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-101, 20-10-102, 20-10-104, 20-10-111, 20-10-112, 20-10-141, 61-9-502, MCA; Eff. 2/26/53; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2000 MAR p. 632, Eff. 2/25/00; AMD, 2004 MAR p. 1613, Eff. 7/23/04.)

10.7.111 QUALIFICATION OF BUS DRIVERS (1) School bus drivers must be fully qualified in order for a district to receive state reimbursement for the bus. Qualifications for bus drivers are prescribed by 20-10-103, MCA, and by the board of public education. These require that the driver:

- (a) have five years of licensed driving experience;
- (b) is not less than 18 years of age;
- (c) be of good moral character;
- (d) hold a driver's license with the proper commercial vehicle operator's endorsement;
- (e) have filed with the board of trustees a satisfactory report of a physical examination, signed by a licensed physician in the state of Montana, on a federal department of transportation (DOT) form;
- (f) hold a valid basic first-aid certificate or certificate from an equivalent or more advanced first-aid course; and
- (g) hold a valid certificate (form TR-35) as evidence of meeting the above qualifications.

(2) State reimbursement for bus transportation for the full school term will be made only when a new driver of the bus has completed the first-aid requirement within 60 days from the employment date. Any bus operated by a driver not so qualified will not be eligible for state reimbursement for that portion of the term that the driver is not qualified. Drivers who have driven the previous year must have the first-aid requirement completed before the expiration date on their certificate.

(3) In the event a district (or contractor) is obligated to employ a driver as a replacement for a driver employed at the beginning of the school year, or must employ an additional driver, a period of 60 days will be permitted for the new driver to acquire the first-aid certificate. If after 60 days following the date of first employment of the additional or replacement driver, the first-aid requirement has not been met, the bus operated by the driver will not qualify for state reimbursement for that portion of the year that the driver is not qualified, including the 60-day grace period.

(4) The holding of a Montana school bus driver certificate is proof that the driver meets all the qualifications of the school transportation law. The bus driver certificate forms are provided by the superintendent of public instruction for use by the board of trustees. The board issues a certificate to each driver who is authorized and qualified to drive, and files a copy with the county superintendent and a copy with the superintendent of public instruction.

(5) A school bus driver certificate remains valid until the earliest expiration date of the commercial vehicle operator's endorsement, the first-aid certificate, and/or physical examination. A new certificate must be issued to the driver when any of the above items expires and is renewed.

(6) The qualifications of all bus drivers are reviewed at the time the state verification of transportation claims is made, as the qualifications of the bus driver are one of the criteria for eligibility for reimbursement. With the exception of (2) and (3), the state superintendent will not reimburse for routes driven by drivers without a current certificate on file with the office of public instruction. If any license, certificate or examination was expired for any period of time, the office of public instruction will withhold transportation reimbursement funding for the number of days the driver was not qualified. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-103, 20-10-112, MCA; Eff. 2/26/53; ARM Pub. 11/26/77; AMD, 1980 MAR p. 142, Eff. 2/14/81; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98 AMD, 2004 MAR p. 1613, Eff. 7/23/04.)

10.7.112 SUMMARY OF REQUIREMENTS FOR BUS TRANSPORTATION FOR ELIGIBILITY FOR STATE REIMBURSEMENT (1) The route (the area served and the miles per day) must be established by the board of trustees, by board resolution.

(2) The route must be approved by the county transportation committee. (20-10-132, MCA.)

(a) A district may not extend a bus route to transport pupils from outside its transportation service area unless the district has a written agreement with the district that the county transportation committee has assigned to transport the pupils. Without a written agreement between districts authorizing the route, the county transportation committee must withdraw its approval of the entire route. (20-10-126, MCA.)

(b) The county transportation committee may not approve only a portion of a route. The route must be approved or denied in its entirety.

(3) The vehicle operating on the route must meet minimum standards for school buses adopted by the board of public education.

(4) The vehicle operating on the route must be inspected and approved by the Montana highway patrol as stated in ARM 10.7.110.

(5) The driver of the vehicle must be qualified according to law. (20-10-103, MCA.)

(6) Reimbursement is not authorized for bus transportation provided for a student who lives less than three miles from school unless transportation is listed as a related service on the student's individualized education plan or the student is a preschool student with disabilities.

(7) State and county reimbursement is not authorized for routes operated outside the term of the regular school year for days in excess of 180 days per school year or for days the route was not operated.

(8) When the board of trustees changes a route's mileage per day, or if a different school bus is used on the route, the trustees must amend the TR-1 bus route form, show the effective date of the change, submit it first to the county transportation committee for approval and then to the superintendent of public instruction. When the claims for payments are submitted, the district will report the number of days the route operated at each mileage amount or number of days that each bus operated on the route. The superintendent of public instruction will adjust the reimbursement for the route and will pay the adjusted rate for days the route operates after the date the change in mileage or bus became effective, subject to constraints of the budget or budget amendments.

(9) When routes are extended it is up to the district to determine if a budget amendment is required to cover the additional costs of the route.

(10) A school district shall not claim state and county transportation aid for the district's or cooperative's conveyance of students to and from alternative sites, buildings or other locations where services or programs are offered during the school day, such as partial-day special education services provided by a cooperative or classes at different buildings of the school district or community. Pursuant to 20-10-145, MCA, school districts may claim state and county transportation reimbursement for conveyance of a pupil from the student's home to and from the location of the student's center based day program for the school day, such as a day treatment program or special education preschool program that is operated by a cooperative or district interlocal agreement. (History: Sec. 20-3-106, 20-9-102, 20-10-112, MCA; IMP, Sec. 20-10-103, 20-10-112, 20-10-121, 20-10-126, 20-10-132, 20-10-141, 20-10-145, 20-10-146, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98; AMD, 2000 MAR p. 632, Eff. 2/25/00; AMD, 2002 MAR 1740, Eff. 6/28/02.)

10.7.113 "TWO CONTRACT AMOUNT" REGULATION (1) The law which establishes the schedule governing payments to families prohibits paying more than one contract amount to any family. (An exception is noted in 20-10-142, MCA.) To comply with this law, the following rules have been adopted:

(a) If two or more eligible transportees are transported by a parent or guardian to two or more schools located within three miles of one another, and if such schools are operated by different school districts, the total amount of the reimbursement, calculated using the distance to the furthest school, shall be divided equally between the districts.

(i) The reimbursement paid to each district may be less than 25 cents per day, but the combined payment for the contract shall not be less than 25 cents per day.

(b) If two or more eligible transportees are transported by a parent or guardian to two or more schools located more than three miles from one another, the parent or guardian shall be separately reimbursed for transporting the eligible transportee or transportees to each school.

(c) If, because of a half-day preschool or kindergarten program, a parent or guardian must make a separate trip to transport an eligible preschool or kindergarten transportee from the school or bus stop, the parent or guardian is eligible for reimbursement for this trip. A separate TR-4 form shall be used for this trip. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-142, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2000 MAR p. 632, Eff. 2/25/00.)

10.7.114 SCHEDULE FOR TRANSPORTATION PAYMENTS (1) The schedule for paying for individual and isolated (or "increased") transportation or for room and board in lieu of bus transportation is found in 20-10-142, MCA. This section establishes the amount of individual payments to parents for transporting their children to school (if they reside in an area not served by a school bus) or to bus (if they reside in an area served by a school bus).

(2) Section 20-10-142, MCA, authorizes the board of trustees and the county transportation committee, subject to written approval by the superintendent of public instruction, to alter or increase the payments to a family if, because of isolation, the schedule is inadequate. This "increased" payment (also called "isolated" transportation) is 50% of the authorized amount. All isolated ("increased") transportation must be approved by the county transportation committee prior to approval by the superintendent of public instruction.

(3) In cases where the family must move and maintain two households or where the family must board the student near the school, the family may be eligible for the room and board rate of \$9.25 per day for the first child and \$6.00 per day for each additional child (20-10-142, MCA). All contracts for room and board reimbursement must be approved by the county transportation committee prior to approval by the superintendent of public instruction.

(a) If there is more than one eligible transportee of the same household, and the eligible transportees attend schools operated by more than one school district, the rate of \$9.25 per day shall be paid to the district enrolling the student with the highest grade level. Additional reimbursement will be at the rate of \$6.00 per day per student. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-142, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2002 MAR p. 1740, Eff. 6/28/02.)

10.7.115 SCHEDULE FOR BUS TRANSPORTATION (1) A bus route having at least one eligible transportee and meeting other eligibility criteria will be reimbursed for bus mileage according to the rate schedule provided in 20-10-141, MCA. A bus route without at least one eligible transportee is not eligible to receive reimbursement.

(2) Reimbursement is not authorized for bus transportation provided for pupils who live less than three miles from school unless the pupils have transportation listed as a related service on individualized education plans.

(3) Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. Reimbursement for nonbus mileage is 43 cents per mile.

(4) If a bus route is made up of a series of legs where one complete set of students disembarks from the bus and a new set of students boards, the riders must be reported on more than one TR-1 bus route form. The district must report the legs as separate parts of a single route (e.g., Route 1A, 1B and 1C) by submitting a separate form for each section of the route ending where all of the students disembark to board another bus or to attend school before the bus continues to another destination. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-127, 20-10-141, 20-10-142, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2004 MAR p. 1613, Eff. 7/23/04.)

10.7.116 ISOLATION ALLOWED TO INCREASE THE INDIVIDUAL TRANSPORTATION RATE (1) When the board of trustees of a school district establishes a program of "isolated transportation payments"--that is, increase in the individual transportation rates due to isolation--individual families entering into transportation contracts with the board of trustees may apply for an "isolated" or increased individual, rate of payment.

(2) The board of trustees and the county transportation committee, in acting on applications for increased individual payments due to isolation, should judge each application in relation to all others in the district and county.

(3) The following factors are suggested to be considered by the county transportation committee in determining if increased payments for isolated conditions are appropriate:

(a) student lives at least seven miles from school and no school bus is provided, or lives at least seven miles from the bus stop; and

(b) roads are not graded for at least one-half of the distance from home to the school or bus stop, and roads present considerable difficulty in bad weather, and special equipment ordinarily is required; and

(c) county transportation committee determines that hardship (physical and/or financial) exists.

(4) The board of trustees must consider and approve or disapprove all requests for an increase in an individual transportation rate due to isolation. All board of trustee decisions must be reviewed by the county transportation committee and the superintendent of public instruction who both have final authority over any decision of the board of trustees. The increased rate is 1 1/2 times the rate prescribed in 20-10-142, MCA. The board of trustees is not required to approve requests for increased rates because of isolation, and the county transportation committee is not required to approve increased payments because of isolation. State approval is required for all increases in rates granted locally.

(5) The capping of mileage reimbursement rates at the room and board rate does not apply to isolation contracts. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-112, 20-10-142, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2000 MAR p. 632, Eff. 2/25/00.)

10.7.117 SCHOOL TRANSPORTATION CALENDAR (IS HEREBY REPEALED) (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-10-112, 20-10-145, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; REP, 1997 MAR p. 203, Eff. 1/28/97.)

10.7.118 SCHOOL TRANSPORTATION FORMS LISTED BY FORM NUMBER

(1) Form TR-1, Combined School District Application for Registration of School Bus and State Reimbursement:

(a) Forms supplied by the superintendent of public instruction;

(b) Forms completed by district officials, due in county superintendent's office by October 1;

(c) Completed forms transmitted by county superintendent to state superintendent of public instruction by October 15;

(d) Forms processed, rated and approved by the superintendent of public instruction.

(2) Form TR-2, Additional Pupil List:

(a) Additional pupil list for form TR-1;

(b) Forms supplied by the superintendent of public instruction;

(c) Forms completed by district officials, due in county superintendent's office by October 1;

(d) County superintendent uses form to verify accuracy of information submitted on TR-1.

(3) Form TR-4, Elementary and High School Individual Transportation Contract:

(a) Forms supplied by the superintendent of public instruction;

(b) Provided only for contracts entered into by a district and an eligible transportee of the district;

(c) Forms completed by families and district officials by fourth Monday in June or as accepted by the district;

(d) Completed forms due in the county superintendent's office by July 1 or as received from the district;

(e) Original copy of each contract transmitted by the county superintendent to the superintendent of public instruction by July 10 or as received from the county;

(f) The contracts are processed, rated and approved by the superintendent of public instruction and the approved rates sent to the county superintendent and district by mid-October.

(4) Form TR-5, School District Claim for State Reimbursement for Individual and Isolated Transportation:

(a) Forms supplied by the state superintendent of public instruction each semester;

(b) Forms completed by district officials and due in the county superintendent's office:

(i) first semester by February 1,

(ii) second semester by May 10;

(c) Completed forms transmitted by the county superintendent to the superintendent of public instruction:

(i) first semester by February 15,

(ii) second semester by May 24;

(d) Forms are verified by the superintendent of public instruction. After claims are verified, each district official and county superintendent receives from the superintendent of public instruction a notification of the amount of reimbursement to be received by the district. The county treasurer receives from the superintendent of public instruction a state payment with a list of districts and the amount each district is to receive.

(5) Form TR-6, School District Claim for Reimbursement for School Bus Transportation:

(a) Forms supplied by the state superintendent of public instruction each semester;

(b) Forms completed by district officials and due in the county superintendent's office:

(i) first semester by February 1,

(ii) second semester by May 10;

(c) Completed forms transmitted by the county superintendent to the superintendent of public instruction:

(i) first semester by February 15,

(ii) second semester by May 24;

(d) Forms are verified by the superintendent of public instruction. After claims are verified, each district official and the county superintendent receive from the superintendent of public instruction a notification of the amount of reimbursement to be received by the district. The county treasurer receives from the superintendent of public instruction a state payment with a list of districts and the amount each district is to receive.

(6) Form TR-8, School Bus Accident Report to the Montana department of transportation:

(a) Forms supplied by the Montana department of transportation;

(b) Forms supplied upon request;

(c) Forms used only to report accidents (those investigated by a law enforcement agency) involving school buses.

(7) Physical Examination Report for School Bus Drivers:

(a) Forms supplied by the federal department of transportation;

(b) Forms supplied upon request;

(c) Forms used by school bus drivers for physical examination purposes.

(8) Form TR-13, Montana Highway Patrol School Bus Inspection (and reinspection):

(a) Forms supplied by the superintendent of public instruction;

(b) Forms supplied to school districts by June 1 of the previous year for the first semester, by November 20 for the second semester and upon request;

(c) Form also used when a bus did not pass first inspection by the highway patrol;

(d) Completed forms after inspection/reinspection transmitted by Montana highway patrol to:

(i) superintendent of public instruction,

(ii) county superintendent of schools,

(iii) district official,

(iv) Montana highway patrol official.

(9) Form TR-35, Montana School Bus Driver Certificate:

(a) Certificate forms supplied by the superintendent of public instruction;

(b) Copies of certificate forms mailed to district officials upon request (county superintendent may request forms for district official's use);

(c) Certificates issued by the board of trustees to drivers authorized to drive school buses;

(d) Completed copies of certificates filed with county superintendent of schools and superintendent of public instruction. (History: Sec. 20-3-106, 20-10-112, MCA; IMP, Sec. 20-9-166, 20-10-101, 20-10-103, 20-10-111, 20-10-112, 20-10-124, 20-10-128, 20-10-132, 20-10-141, 20-10-142, 20-10-145, MCA; Eff. 8/6/75; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2000 MAR p. 632, Eff. 2/25/00; AMD, 2004 MAR p. 1613, Eff. 7/23/04.)